

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LAWRENCE D. REDMAN,	)	
Plaintiff	)	
	)	
vs.	)	Civil Action No. 06-1000
	)	Judge Gary L. Lancaster/
WARDEN WALTON; DEPUTY WARDEN	)	Magistrate Judge Amy Reynolds Hay
CMAR; LIEUTENANT TIM JONES;	)	
SERGEANT KEVIN MARKEIWICZ;	)	
OFFICER SCOTT KENNDY; OFFICER	)	
LEONARD TRINCLISTI; OFFICER DAN	)	
NASER; OFFICER MULLOOLEY;	)	
OFFICER STEVEN MITCHELL; OFFICER	)	
CHARLES SCHACHTE,	)	
Defendants	)	

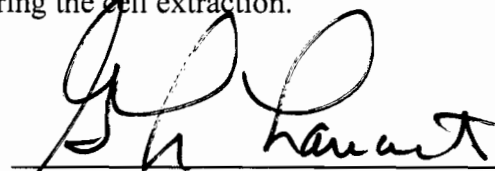
**ORDER**

AND NOW, this 21<sup>st</sup> day of August, 2007, after the plaintiff

filed an action in the above-captioned case, and after a Motion to Dismiss was filed by the defendants, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by plaintiff, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss (Dkt. 23) is GRANTED in part and DENIED in part. The motion is GRANTED as to all claims against Defendants Warden Walton, Deputy Warden Cmar, Lieutenant Jones, Sergeant Markeiwicz, Officer Trinclisti, Officer Naser, Officer Mullooly, Officer Mitchell, and Officer Schachte. As to Officer

Kennedy, it GRANTED on the retaliation claim, and on the excessive force claim as it relates to Officer Kennedy's entry into the gym area. The motion is DENIED, however, as to Officer Kennedy on the claim of excessive force during the cell extraction.



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GARY L. LANCASTER  
United States District Judge

cc: Honorable Amy Reynolds Hay  
United States Magistrate Judge

Lawrence D. Redman  
GX 0823  
SCI Camp Hill  
P.O. Box 8837  
Camp Hill, PA 17001

Thomas P. Pellis, Esquire  
by Notice of Electronic Filing